IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 29026 of 2003(E)

PETITIONER:

R.GOPALAKRISHNA PANICKER,
RETD.FORESTER, GOPALAKRISHNA SADANAM,
KUZHIMATTAM P.O., CHINGAVANAM, KOTTAYAM
WORKING FORESTER ERUMELY RANGE.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS:
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1. THE DIVISIONAL FOREST OFFICER,
KOTTAYAM.

2. THE HIGH RANGE CIRCLE CONSERVATOR,
IDUKKI.

3. THE ACCOUNTANT GENERAL OF KERALA,
TRIVANDRUM.

BY GOVERNMENT PLEADER(FOREST) SMT.N.SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER ISSUED BY R1 DT. 3.2.2003.

EXT.P2 : TRUE COPY OF THE MEMO OF CHARGES DT. 15.6.1996 ISSUED BY THE FIRST RESPONDENT.

EXT.P3 : TRUE COPY OF THE SHOW CAUSE NOTICE DT. 30.6.1998 BY THE FIRST RESPONDENT.

EXT.P4 : TRUE COPY OF THE REPLY FILED BY THE PETITIONER DT. 30.10.1998.

EXT.P5 : TRUE COPY OF THE MEMO OF CHARGES DT. 19.12.1997 BY THE FIRST RESPONDENT.

EXT.P6 TRUE COPY OF THE STATEMENT OF ALLEGATION DT. 19.12.1997 OF THE FIRST RESPONDENT.

EXT.P7 TRUE COPY OF THE SHOW CAUSE NOTICE DT. 25.6.1999 BY THE FIRST RESPONDENT.

EXT.P8 TRUE COPY OF THE PETITION BY THE PETITIONER DT. 14.11.1999.

EXT.P9 TRUE COPY OF THE ORDER DT. 27.8.2001 BY THE FIRST RESPONDENT.

EXT.P10 TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE PETITIONER DT. 22.10.2001.

EXT.P11 TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE FIRST RESPONDENT DT. 10.8.1998.

EXT.P12 TRUE COPY OF THE REPLY BY THE PETITIONER DT. 30.8.1998.

EXT.P13 TRUE COPY OF THE NOTICE BY THE FIRST RESPONDENT DT. 12.11.1998.

EXT.P14 TRUE COPY OF THE REPLY BY THE PETITIONER DT. 12.1.1999.

EXT.P15 TRUE COPY OF THE DOCUMENT PRODUCED ALONG WITH EXT.P14.

EXT.P16 TRUE COPY OF THE SHOW CAUSE NOTICE DT. 1.6.2000 BY THE FIRST RESPONDENT.

EXT.P17 TRUE COPY OF THE REPLY BY THE PETITIONER DT. 25.7.2000.

EXT.P18 TRUE COPY OF THE MEMO OF CHARGES ISSUED BY THE FIRST RESPONDENT DT. 28.11.1997.

EXT.P19 TRUE COPY OF THE STATEMENT OF ALLEGATIONS -DO-

EXT.P20 TRUE COPY OF THE REPLY BY THE PETITIONER DT. 31.1.2000.

EXT.P21 TRUE COPY OF THE MEMO OF CHARGES ISSUED BY THE FIRST RESPONDENT DT. 29.1.2000.

EXT.P22 TRUE COPY OF THE STATEMENT OF ALLEGATION -DO-

EXT.P23 TRUE COPY OF THE REPLY BY THE PETITIONER DT. 12.9.2000.

TGS

KURIAN JOSEPH J.

W.P.(C) No.29026 of 2003

Dated 17th August, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P1 proceedings leading to fixation of liability on various grounds. According to the petitioner, fixation is impermissible since the same is done on charges which are not framed and communicated to the petitioner. According to the petitioner, no charges have been framed in respect of the grievance referred to in Ext.P1. It is seen from the Original Petition itself that as far as other charges are concerned, the matter is now pending before the Conservator of Forests, the higher authority of the first respondent. Therefore, it is only appropriate that the petitioner pursues his grievance before the higher authority, in which case, the said authority will get an opportunity to peruse the records and see whether the petitioner has been served any memo of charges. If as a matter of fact, the memo of charges has not been served on the petitioner, whether there can be any fixation of liability itself can be examined by the first respondent. In the above circumstances, the writ petition is disposed of as follows :-

In the event of the petitioner approaching the Conservator of Forests within two months from today against Ext.P1, the matter will be duly considered by the said authority with notice to the petitioner and appropriate orders in accordance with law will be passed within another three months.

KURIAN JOSEPH, JUDGE.

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